

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SARKIS DERBESHYAN,

Petitioner,

V.

ERIC TAYLOR, DIRECTOR OF
HUDSON COUNTY CORRECTIONAL
FACILITY,

Respondent.

Civil Action No. 17-1771 (JMV)

OPINION

APPEARANCES:

SARKIS DERBESHYAN
Hudson County Correctional Center
30-35 Hackensack Ave.
Kearney, NJ 07032
Petitioner, *pro se*

ANTHONY J. LABRUNA
United States Attorney's Office
970 Broad Street, Suite 700
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

On March 15, 2017, Petitioner, an immigration detainee held in the Hudson County Correctional Facility in Kearney, New Jersey, filed a petition under 28 U.S.C. § 2241, challenging his post-final removal order detention for more than six months by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1.) His post-final removal order detention began on August 11, 2016. (*Id.* at 3, ¶6.) The Court ordered an answer, and on April 25, 2017, Respondent submitted a copy of Petitioner’s Release Notification. (ECF No. 4.) In the Release Notification

dated April 19, 2017, ICE notified Petitioner that he would be released under an Order of Supervision pending his removal from the United States. (ECF No. 4 at 2.) Respondent asserts Petitioner was released; therefore, the petition is moot. (*Id.* at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy because Petitioner was released under an order of supervision. *See Nunes v. Decker*, 480 F. App’x 173, 175 (3d Cir. 2012) (per curiam) (finding petition moot because court cannot assume petitioner will violate conditions of release and place himself at risk of detention). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: April 26, 2017

At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge